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April 25, 2025

The Honorable Alfred H. Bennett
 U.S. District Judge
 515 Rusk St., Room 6202
 Houston, Texas 77002
 c/o Lisa_Edwards@txs.uscourts.gov

Via ECF

Re: Civil Action No. 4:21-cv-270, *Clifford Tuttle, et al. v. City of Houston, et al.*; Civil Action No. 4:21-cv-272, *John Nicholas, et al. v. City of Houston, et al.*

Dear Judge Bennett:

As requested at the April 15, 2025 hearing, Defendant City of Houston (the “City”) submits this letter outlining the City’s position related to the continued sealing of the summary judgement related briefing, exhibits, and the Court’s order. As instructed by the Court, the City has limited its proposal for continued sealing to discrete categories of information that merit continued protection as set forth below.

The City points out that many of the exhibits that were filed in connection with the City’s Motions for Summary Judgment were not filed under seal. For example, all of the deposition transcripts, all of the General Orders, all of the declarations, all of the affidavits, and all of the publicly available information were not filed under seal. The City tried to limit the sealed documents to that which was necessary and supported by Texas law. Mindful of the Court’s request to identify what should remain sealed, the City respectfully requests that the following categories of information be maintained under seal:

1. Non-Sustained Internal Affairs Division investigations into incidents unrelated to Harding Street. (Exs. 36, 37, 38, 41, 48, 49, and 50 to the City’s Motion for Summary Judgment related to the Use of Force [Dkt. 308] and Ex 39 to the City’s Motion for Summary Judgement related to the Warrant [Dtk. 305]).
2. The HPD Narcotics Division Training Manual (Ex. 37 to the City’s Motion for Summary Judgement related to the Warrant [Dtk. 305]).
3. The HPD Narcotics Division organization chart that includes names of potential undercover officers unrelated to Harding Street (Ex. 3 to the City’s Motion for Summary Judgement related to the Warrant [Dtk. 305]).



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4. Internal Affairs Division complaint histories that note non-sustained incidents unrelated to Harding Street. (Ex. 87 to Plaintiffs' Responses to the City's Motions for Summary Judgement [Dkt. 336]).
5. Internal Affairs Division investigations and compelled statements contained therein related to Harding Street (Ex. 29 to the City's Motion for Summary Judgment related to the Warrant [Dkt. 305], Ex. 14 to the City's Motion for Summary Judgment related to Use of Force [Dkt. 308], Exs. 7, 29, 32, 92, 107, 131, 158, and AT to Plaintiffs' Responses to the various Motions for Summary Judgments [Dkt. No. 336]).

The City is happy to submit formal briefing related to the confidential nature of the above if such briefing would be helpful to the Court. In short, IAD investigations and the related complaint histories are confidential pursuant to Texas law. Tx. LOCAL GOV'T CODE § 143.1214(b).¹ The City is also required to seek the continued sealing of the Harding Street related IAD investigations and IAD compelled statements pursuant to Tx. Local Gov't Code § 143.086(g) and the meet and confer agreement between the City and the Houston Police Officers' Union.² The organization chart reveals the identity of potential undercover officers unrelated to Harding Street. The training manual reveals confidential training strategies of HPD.

The City also respectfully requests the ability to redact the following limited information from the currently sealed summary judgment briefing, exhibits, and the Court's order:

1. Identifying information (i.e., name) related to confidential informants.³
2. Identifying information unrelated to the merits of the case (i.e., private addresses, social security numbers, drivers license numbers, employee numbers, TCOLE numbers, and similar information).
3. Limited explicit references to any of the above sealed or redacted information within the briefing. As to IAD investigations of incidents unrelated to Harding Street, the City would only redact the names of the officers involved in the incidents unrelated to Harding Street to protect the underlying confidentiality. As to the IAD investigations of Harding Street and the IAD related statements, the City would only redact direct quotes or explicit references that reveal the contents of the confidential investigation.

If the Court agrees with the City's proposed redactions, the City will prepare previously sealed exhibits, briefing, and the Court's order with the above noted limited redactions to be filed publicly. The City will also work with Plaintiffs and other Defendants to facilitate similar limited redactions

¹ See also Office of Attorney General – State of Texas Opinion:

<https://www2.texasattorneygeneral.gov/opinions/openrecords/49cornyn/orl/2000/htm/or200002965.htm>.

² [Meet & Confer Agreement – Houston Police Officers' Union](#).

³ The City does not intend to redact the name of the confidential informant that testified in the Goines criminal trial given her public testimony.



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to Plaintiffs' and/or the other Defendants' briefing and exhibits. The City does not anticipate any issues facilitating agreement amongst the Parties to redactions after receiving confirmation of the above proposed limited redactions and/or additional guidance from the Court.

After the above noted redactions are completed, the following would then be publicly re-filed with the Court:

- The Court's Order (Dkt. No. 438).
- The City's Motion for Summary Judgement and associated Reply related to the Use of Force (Dkt. Nos. 308, 350). The following exhibits to that Motion and Reply: Exs. 2, 3, 5, 6, 7, 18, 32, 33, 40, 47, 53, 54, 55 (Dkt. Nos. 308, 350).⁴
- The City's Motion for Summary Judgment and associated Reply related to the Warrant (Dkt. Nos. 305, 348). The following exhibits to that Motion and Reply: Exs. 5, 6, 14, 15, 33, 34, 38, 43, 44 (Dkt. No. 305).⁵
- Plaintiffs' Responses to Motions for Summary Judgment filed by the City (Dkt. Nos. 330, 331), Gallegos (Dkt. No. 318), Bryant (Dkt. No 313), and Gonzales (Dkt. No. 332). The following exhibits filed by Plaintiffs associated with the above responses (Dkt. No 336):⁶ Exs. 14-16, 18, 19, 25, 26, 31, 42, 51, 54–57, 99, 105, 119, 125, 127-128, 145, 156, 165, 167, 171, 188, A-Z, AA-AS, AU-AV.
- Gonzalez's Motion for Summary Judgment (Dkt. No. 312) and associated Reply (Dkt. No. 347). The following exhibits to that Motion (Dkt. No. 312): Exs. A–I.
- Gallegos's Motion for Summary Judgment (Dkt. No. 318), the associated Reply (Dkt. No. 353), and the sole exhibit (Dkt. 353).

⁴ The following exhibits to this Motion and/or Reply were already filed publicly: Exs. 1, 4, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 39, 42, 43, 44, 45, 46, 51, 52, 56, 57, 58.

⁵ The following exhibits to this Motion and/or Reply were already filed publicly: Exs. 1, 2, 4, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, 32, 35, 36, 40, 41, 42, 45, 46, 47, 48, and 49.

⁶ Plaintiffs did not use sequential exhibit numbers. This list includes all exhibits filed by Plaintiffs except for Exs. 7, 29, 32, 87, 92, 107, 131, 158, and AT.



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We would be pleased to discuss any of these issues with the Court if it would be helpful.

Respectfully submitted,

/s/ Alistair B. Dawson

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**ATTORNEYS FOR DEFENDANT
CITY OF HOUSTON**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of this document Via ECF.

/s/ Alistair B. Dawson

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